

Message Text

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ACTION ORM-02

INFO OCT-01 ARA-06 IO-13 ISO-00 DHA-02 CIAE-00 DODE-00

PM-04 H-02 INR-07 L-03 NSAE-00 NSC-05 PA-01 PRS-01

SP-02 SS-15 USIA-06 VO-03 SCA-01 FBIE-00 INSE-00 /074 W

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FM AMEMBASSY SANTIAGO

TO SECSTATE WASHDC 8508

INFO USMISSION GENEVA

C O N F I D E N T I A L SANTIAGO 3537

EO 11652: GDS

TAGS: SREF, CVIS, CI

SUBJ: PAROLE OF CHILEAN DETAINEES AND REFUGEES

REF: A) 75 SANTIAGO 5355 B) 75 STATE 189278 C) SANTIAGO 1582

1. SUMMARY: GOC MINISTRY OF INTERIOR HAS REFUSED TO AUTHORIZE EXILE OF SOME 115 DETAINEES WHO HAVE ASSURED COUNTRIES OF RE-SETTLEMENT. OF THESE, 42 HAVE BEEN ACCEPTED FOR US PAROLE PROGRAM. EMBASSY BELIEVES ONLY PERSON WHO CAN REVERSE MINISTRY DECISION IS PRESIDENT PINOCHET. DEPARTMENT'S GUIDANCE IS REQUESTED ACCORDINGLY. END SUMMARY.

2. ICEM DIRECTOR ROBERTO KOZAK APRIL 19 TOLD CHARGE THAT ON FEBRUARY 26 ICEM HAD SUBMITTED TO INTERIOR MINISTRY LIST (REF C) CONTAINING THE NAMES OF 92 PERSONS DETAINED WITHOUT CHARGE UNDER STATE OF SIEGE AUTHORITY (CATEGORY I); ALL WERE ASSURED OF VISAS TO OTHER COUNTRIES BUT LACKED EXILE DECREES (25 OF THE 92 WERE APPROVED FOR PAROLE INTO U.S.). ON MARCH 24 MINISTRY REPLIED, STATING THAT NONE OF THE 92 DETAINEES WOULD BE ALLOWED TO LEAVE FOR REASON OF NATIONAL SECURITY. KOZAK DISCUSSED DECISION WITH INTERIOR MINISTER BENAVIDES AND UNDERSECY MONTERO, NOTING THAT REFUSAL TO GRANT EXILE DECREES WAS DIRECT CONTRADICTION OF PRESIDENT PINOCHET'S SPEECH OF SEPTEMBER 11, 1974, AND INTERIOR MINISTER BENAVIDES' STATE-CONFIDENTIAL

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MENT OF MAY 14, 1975, IN WHICH THEY DECLARED THAT, EXCEPT FOR

ESPECIALLY DANGEROUS (POLITICAL) CASES, GOC WOULD AUTHORIZE DEPARTURE OF THOSE DETAINED UNDER STATE OF SIEGE. MINISTER REJECTED THE REPRESENTATION BUT AGREED TO REVIEW THE CASES PRESENTED. ON APRIL 14, UNDERSECY INFORMED KOZAK THAT GOC STILL REFUSED TO GRANT EXILE DECREES FOR THE 92 DETAINEES. SAID DECISION WAS BASED ON DETERMINATION BY DIRECTORATE OF NATIONAL INTELLIGENCE (DINA) THAT ALL DETAINEES ON THE LIST WOULD POSE "A THREAT TO THE INTERNAL SECURITY OF CHILE" IF ALLOWEED TO DEPART THE COUNTRY.

3. DURING THIS PERIOD, ICEM SUBMITTED ANOTHER LIST OF 23 CATEGORY I NAMES (17 APPROVED FOR U.S. PAROLE), AND INTERIOR MINISTRY REFUSED THEM. IRONICALLY, WHILE REFUSING THOSE WHO HAD VISAS FOR OTHER COUNTRIES, MINISTRY OFFERED TO RELEASE INTO EXILE SEVEN DETAINEES WHO ARE NOT BEING PROCESSED BY ICEM AND WHO DO NOT HAVE VISAS.

4. COMMENT: DEPARTMENT WILL RECALL THAT LAST AUGUST EMBASSY RECOMMENDED PROCESSING PAROLE APPLICATIONS FROM DETAINEES WHO DID NOT HAVE PERMISSION TO LEAVE COUNTRY; DEPARTMENT APPROVED (REFS A AND B). AT THAT TIME, WE NOTED THAT GOC MIGHT NOT APPROVE SOME OF THEM FOR EXILE, IN WHICH CASE RESPONSIBILITY FOR HOLD-UP WOULD BE GOC'S. THIS HAS HAPPENED NOW, BUT IN SUCH DRAMATIC WAY THAT IT THREATENS ABOUT HALF OF US PAROLE PROGRAM. WE HAVE SOME 50 CASES OF CATEGORY I DETAINEES APPROVED AND PENDING GOC AUTHORIZATION, AND MANY OTHERS IN THE PIPELINE.

5. ICEM/SANTIAGO HAS DECIDED NOT TO TAKE FURTHER ACTION ON CATEGORY I CASES UNTIL GOC POSITION IS CLARIFIED. GOVERNMENT APPARENTLY HAS DECIDED TO CHANGE ITS PREVIOUS POLICY OF ALLOWING PERSONS DETAINED UNDER STATE OF SIEGE TO DEPART CHILE -- A POLICY ADOPTED WITH PINOCHET'S FIRST ANNIVERSARY SPEECH OF SEPTEMBER 11, 1974 AND EXTENDED IN MAY 1975. HOWEVER, NEITHER ICEM NOR PARTICIPATING COUNTRIES HAVE BEEN INFORMED OF SUCH CHANGE.

6. DINA HAS DECIDED AGAINST THESE CASES, AND INTERIOR MINISTRY HAS NO JURISDICTION OVER DINA. EMBASSY BELIEVES THAT ONLY PRESIDENT PINOCHET CAN CLARIFY THIS MATTER. REQUEST INSTRUCTIONS TO APPROACH PINOCHET TO DETERMINE IF GOC CONFIDENTIAL

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POLICY HAS CHANGED, AND TO REQUEST GOC APPROVAL OF THIS CATEGORY OF CASES.

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